

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO ALL
ACTIONS

**CLASS PLAINTIFFS' NOTICE OF FILING AMENDMENT TO AMCC ADDING B.
BRAUN MEDICAL, INC. AS DEFENDANT PURSUANT TO FEBRUARY 4, 2005
ORDER**

Please take notice that on February 24, 2005, pursuant to this Court's Memorandum and Order dated February 4, 2005 (the "Order"), Class Plaintiffs caused to be filed with this Court a Second Amended Master Consolidated Class Action Complaint. The only differences between the Second Amended Master Consolidated Class Action Complaint (the "Second AMCC") filed herewith and the Corrected Amended Master Consolidated Class Action Complaint Modified Per the Court's Instructions at the November 21, 2003 Hearing With Amgen Amendments, which was filed on July 16, 2004, is the removal of B. Braun of America, Inc. ("BBA") and the addition of B. Braun Medical, Inc. ("BBM") as a defendant in accordance with the terms of the Order.

The changes reflected in the Second AMCC are set forth more specifically below:

1. Paragraph 68 of the AMCC has been amended to state: "Defendant B. Braun Medical, Inc. is a Pennsylvania corporation with its principal place of business located at 824 Twelfth Avenue, Bethlehem, Pennsylvania. B. Braun Medical, Inc. is a wholly-owned subsidiary of B. Braun America, Inc."

2. Paragraph 69 of the AMCC has been amended to state: “In 1997, B. Braun of America acquired McGaw, Inc. (“McGaw”), a Delaware corporation with a principal place of business in Irvine, California. Until its acquisition by B. Braun of America, McGaw was in the business of manufacturing and distributing prescription pharmaceuticals for distribution by Medicare Part B providers nationwide. Upon information and belief, McGaw ceased to maintain a separate corporate entity upon the acquisition of McGaw by B. Braun of America, Inc. Further upon information and belief, after the McGaw acquisition, B. Braun Medical, Inc. became the Braun entity engaged in the business of manufacturing and distributing prescription pharmaceuticals for distribution by Medicare Part B providers nationwide. (McGaw and B. Braun Medical are collectively referred to herein as “Braun.”). Braun designs, manufactures, and markets medical devices and certain intravenous solutions. Braun is in the business of manufacturing and distributing prescription pharmaceuticals for distribution by Medicare Plan B providers nationwide.”
3. Paragraph 70 of the AMCC has been amended to state: “The pharmaceuticals manufactured by Braun and covered by Medicare Part B include, but may not be limited to intravenous solutions of dextrose, dextrose, sodium chloride, and sodium chloride.”
4. All places in the Second AMCC referring to “Braun” or “B. Braun” shall mean “Braun” as defined in Paragraph 69 of the Second AMCC, as amended above.

5. All claims in the Second AMCC have been amended to be alleged against BBM and not BBA.

6. Pursuant to the Order, no claims in the AMCC are stated against BBA.

In accordance with the Court's Order of July 28, 2003, directing that certain portions of the AMCC be filed under seal (which portions were not amended as part of the Second AMCC) Class Plaintiffs have caused to be filed an unredacted version of the Second AMCC under seal to the Clerk of Courts, with a courtesy copy to the Court, and have electronically filed a redacted version consistent with the December 16, 2005, Order for use on the Court's ECF system.

Dated: February 24, 2005

Respectfully submitted,

By: /s/ Thomas M. Sobol
Thomas M. Sobol
Edward Notargiacomo
HAGENS BERMAN SOBOL SHAPIRO LLP
One Main Street, 4th Floor
Cambridge, MA 02142

LIAISON COUNSEL

Steve W. Berman
Sean R. Matt
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101

Samuel Heins
Brian Williams
HEINS MILLS & OLSON, PC
3550 IDS Center
80 South Eighth Street
Minneapolis, MN 55402

Jeff Kodroff
John Macoretta
SPECTOR, ROSEMAN & KODROFF, PC
Market Street, Suite 2500
Philadelphia, PA 19103

**CHAIRS OF LEAD
COUNSEL COMMITTEE**

Kenneth A. Wexler
Jennifer Fountain Connolly
THE WEXLER FIRM LLP
One North LaSalle, Suite 2000
Chicago, Illinois 60602

Marc H. Edelson
Allan Hoffman
HOFFMAN & EDELSON
45 West Court Street
Doylestown, PA 18901

CERTIFICATE OF SERVICE BY VERILAW

Docket No. MDL 1456

I, Edward Notargiacomo, hereby certify that I am one of plaintiffs' attorneys and that, on February 24, 2005, I caused copies of Class Plaintiffs' Notice Of Filing Amendment To AMCC Adding B. Braun Medical, Inc. as Defendant Pursuant to February 4, 2005 Order to be served on all counsel of record by causing same to be posted electronically via Verilaw along with a redacted version of the Second AMCC.

Dated: February 24, 2005

/s/ Edward Notargiacomo
Edward Notargiacomo